

NOTICE OF HEARING

VCJC PRS Docket Nos. 2020IFY and 2020Q9P

RE: Hearing to consider imposition of sanctions, up to and including permanent revocation, against the Level III Vermont law enforcement officer certification held by Anthony Moriglioni.

Please take notice that pursuant to the authority vested in the Vermont Criminal Justice Council under 20 V.S.A. §§ 2401, 2405 and 2406 a hearing will be held before the Council **at the Vermont Fire Academy, 93 Davison Drive, Pittsford, Vermont 05763 and remotely via Microsoft Teams on November 10, 2022 at 9:00AM.**

The hearing will be held as a formal contested case hearing under the Vermont Administrative Procedure Act and will be held to consider the imposition of sanctions, up to and including permanent revocation, against the Vermont law enforcement officer certification held by Anthony Moriglioni for alleged unprofessional conduct pursuant to 20 V.S.A. § 2401(2), (5) (Category B conduct deemed unprofessional conduct), 20 V.S.A. § 2404(a)(1)(A) (agency investigation of Category B conduct), 20 V.S.A. § 2405 (Council sanction procedure) and 20 V.S.A. § 2406(a) (permitted Council sanctions), which are set forth and specified below along with other relevant authority.

- 20 V.S.A. § 2401(2) provides:

“Category B conduct” means gross professional misconduct amounting to actions on duty or under authority of the State, or both, that involve willful failure to comply with a State-required policy or substantial deviation from professional conduct as defined by the law enforcement agency’s policy or if not defined by the agency’s policy, then as defined by Council policy, and shall include:

- (A) sexual harassment involving physical contact or misuse of position;
- (B) misuse of official position for personal or economic gain;
- (C) excessive use of force under authority of the State, first offense;
- (D) biased enforcement;
- (E) use of electronic criminal records database for personal, political, or economic gain;
- (F) placing a person in a chokehold;
- (G) failing to intervene and report to a supervisor when the officer observes another officer placing a person in a chokehold or using excessive force.

- 20 V.S.A. § 2401(5) provides:

“Unprofessional conduct” means Category A, B, or C conduct.

- 20 V.S.A. § 2404(a)(1)(A) provides:

Agency investigations of Category A and B conduct.

(1)(A) Each law enforcement agency shall conduct a valid investigation of any complaint alleging that a law enforcement officer employed by the agency committed Category A or Category B conduct. An agency shall conclude its investigation even if the officer resigns from the agency during the course of the investigation.

- 20 V.S.A. § 2405:

Except as otherwise provided in this subchapter, the Council shall conduct its proceedings in accordance with the Vermont Administrative Procedure Act. This includes the ability to summarily suspend the certification of a law enforcement officer in accordance with 3 V.S.A. § 814(c).

- 20 V.S.A. § 2406(a) provides:

Generally. The Council may impose any of the following sanctions on a law enforcement officer's certification upon its finding that a law enforcement officer committed unprofessional conduct:

(1) written warning;

(2) suspension, but to run concurrently with the length and time of any suspension imposed by a law enforcement agency with an effective internal affairs program, which shall amount to suspension for time already served if an officer has already served a suspension imposed by his or her agency with such a program;

(3) revocation, with the option of recertification at the discretion of the Council; or

(4) permanent revocation.

- 20 V.S.A. § 2407(a), (b):

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action, except that the Council may take action for a first offense under subdivision 2401(2)(C) (excessive use of force under authority of the State), 2401(2)(F) (placing a person in a chokehold), or 2401(2)(G) (failing to intervene and report to a supervisor when an officer observes another officer placing a person in a chokehold or using excessive force) of this chapter.

(b) "Offense" defined. As used in this section, an "offense" means any offense committed by a law enforcement officer during the course of his or her

certification, and includes any offenses committed during employment at a previous law enforcement agency.

It is alleged that you have engaged in two instances of Category B unprofessional conduct in violation of the above identified authority.¹ Specifically, it is alleged:

VCJC PRS Docket No. 2020IFY (Category B)

1. On or about October 6, 2018, Springfield Police Department Officer Ryan Prince conducted a motor vehicle stop of a Volkswagen Tiguan operated by Michael K. Geiger. Officer Prince stated purpose for the stop was an issue with the vehicle's windshield.
2. Officer Prince asked Mr. Geiger for his license, registration and insurance. Mr. Geiger indicated that he did not have any identification on him at the time.
3. Officer asked Mr. Geiger whether the vehicle was his, to which Mr. Geiger replied that it was.
4. As Officer Prince collects personal information from Mr. Geiger, Springfield Police Department Officer Anthony Moriglioni arrived at the scene, walking behind and to the passenger side of the vehicle.
5. Officer Prince then returned to his cruiser, while Officer Moriglioni remained standing outside the passenger side of the vehicle.
6. As Officer Prince began to communicate with Police Dispatch related to Mr. Geiger's personal information, Officer Moriglioni walked behind the vehicle and then stood outside to operator's door.
7. Officer Moriglioni then obtained identification from Mr. Geiger, which Officer Moriglioni hands to Officer Prince.
8. Officer Prince then completed his conversation with Police Dispatch, exited his cruiser and returned to the operator's side of Mr. Geiger's vehicle.
9. Officer Prince then informs Mr. Geiger that Mr. Geiger will be receiving a warning for the windshield issue.

¹ The two alleged instances of Category B unprofessional conduct described herein (Docket Nos. 2020IFY and 2020Q9P) represent subsequent cases considered after another case (Docket No. 202030S) where the VCJC Professional Regulation Subcommittee determined that Officer Moriglioni engaged in Category B (first offense) unprofessional conduct due to gross professional conduct amounting to an on duty action that involved a substantial deviation from professional conduct as defined by the Springfield Police Department's policies. The conduct was as follows: on or about July 26, 2020, Officer Moriglioni took a photo of an individual's penis (without court order and without adequately disclosing that such individual could refuse to consent) for purposes of forwarding the photograph to New Hampshire law enforcement to compare to some other unknown photo that was allegedly sent to a juvenile female residing in New Hampshire. Pursuant to VCJC Professional Regulation Subcommittee Procedures, § 8.1.1, the VCJC Executive Director delivered a notice letter, dated April 8, 2021, to Officer Moriglioni, via certified mail, return receipt requested, which demonstrated receipt. The letter provided Officer Moriglioni notice that, consistent with the Springfield Police Department's internal investigation, the Subcommittee concluded that Category B unprofessional conduct had occurred due to various violations of Springfield Police Department policies, but that because it was the first such offense, no sanction could be imposed by law. So, the matter was closed with no sanction but with the letter specifically providing in part: "Please be aware that any future instance of Category B conduct, or any other unprofessional conduct defined in 20 V.S.A. § 2401, may subject you to Council sanction, up to and including permanent revocation of your Vermont law enforcement officer certification, after notice and an opportunity for hearing."

10. Officer Prince asked Mr. Geiger if there was anything on him. Mr. Geiger responded "No."
11. Officer Prince then asked something to the effect of "Do you have a problem with me checking in there?"
12. Mr. Geiger exited the vehicle, apparently having granted consent.
13. Officer Prince then started to pat down Mr. Geiger and search Mr. Geiger's pockets
14. Officer Moriglioni asked Mr. Geiger "When was the last time you used?"
15. Mr. Geiger responded something to the effect of "Two nights ago."
16. Officer Prince then asked Mr. Geiger to put his hands on his vehicle and spread his legs, after which Officer Prince continued to search Mr. Geiger's person. No items of interest were apparently found after searching Mr. Geiger's person.
17. Officer Prince then asked Mr. Geiger whether there was "anything at all in the car, buddy?" After Mr. Geiger responded no, Officer Prince asked "Alright, would you have an issue with my checking it?"
18. After some discussion during which Officer Prince expressed concerns about where Mr. Geiger was coming from and Mr. Geiger's history, Mr. Geiger granted consent to search his vehicle.
19. While Officer Prince searched the vehicle, Officer Moriglioni stood with Mr. Geiger behind the vehicle.
20. After he completed the search of the vehicle and after apparently finding two unused needles, Officer Prince returned to where Mr. Geiger and Officer Moriglioni were standing, and apparently noticed Mr. Geiger may have had something in his mouth, as Officer Prince asked Mr. Geiger whether he was sucking on a mint.
21. Mr. Geiger indicated that he was not. Officer Prince then asked what was in Mr. Geiger's mouth, to which Mr. Geiger responded that it was his tongue.
22. Officer Prince then asked Mr. Geiger to open his mouth, which Mr. Geiger did but apparently only partially, as Officer Prince then asked Mr. Geiger to open his mouth wider.
23. Officer Moriglioni then grabbed Mr. Geiger's throat with his right hand and placed his left hand behind Mr. Geiger's neck. Officer Moriglioni stated that "I'm going the squeeze your throat so you can't swallow." While using harsh and profane language, Officer Moriglioni pressed down on Mr. Geiger's throat applying pressure and directed Mr. Geiger to spit out into Mr. Geiger's hand whatever was in his mouth.
24. After roughly 25 seconds of Officer Moriglioni squeezing Mr. Geiger's throat, Mr. Geiger spit out what appeared to be a small plastic bag. Mr. Geiger was then placed under arrest.
25. Officer Moriglioni's above-described conduct represented gross professional misconduct amounting to an on-duty action that involved a substantial deviation from professional conduct as defined by the Springfield Police Department's policies.
26. In particular, Officer Moriglioni's conduct amounted to violations of the following Springfield Police Department General Order, and Rules and Regulations, in effect on October 6, 2018: (1) General Order R-1 (Response to Resistance); (2) § 320.10 (Standard of Conduct); (3) § 460.50 (Conduct Toward the Public); (4) § 540.10 (Disrespect); (5) § 550.50 (Cruel Treatment of Persons or Animals); and (6) § 590.10 (Non-Specified Prohibited Acts).

27. Springfield Police Department, General Order R-1, § 11(A), in effect on October 6, 2018, provided: "Police officers are agents of the state authorized to use various degrees of force to effect arrest and to ensure the public safety. Police Officers should use only the force that is necessary and appropriate for compliance or control of a suspect. The use of force should stop once compliance or control has been achieved. An officer may use lethal force to protect him/herself or another person from what the officer perceives to be an imminent threat of death or serious bodily injury. The annotations of 13 VSA 2305 state that the doctrine of self-defense provides that a defendant (officer) who kills or wounds another in just and necessary defense of his/her own life shall be guiltless; 'Just and necessary' being when the defendants (officer) belief of imminent peril and need to repel that peril with deadly force is reasonable. An officer may use lethal force to affect the capture or prevent the escape of a suspect only if it is reasonable to believe that the freedom of the suspect represents an **IMMINENT THREAT OF DEATH OR SERIOUS BODILY INJURY** to the officer or other persons." (emphasis in original).
28. Springfield Police Department, General Order R-1, § 11(B), in effect on October 6, 2018, provided: "A police officer is justified in using non lethal force upon another person when, and to the extent that, he/she reasonably believes it necessary to arrest, detain or effect custody, or defend him/her self or a third person from what he/she reasonably believes to be imminent use of non deadly force."
29. Springfield Police Department, Rules and Regulations, § 320.10, in effect on October 6, 2018, provided: "All personnel shall conduct their private and professional lives in such a manner as to avoid bringing the Department into disrepute."
30. Springfield Police Department, Rules and Regulations, § 460.50, in effect on October 6, 2018, provided: "All personnel shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language and always remain calm regardless of provocation to do otherwise. Upon request they are required to supply their names, and badge numbers, in a polite manner. They shall attend to requests from the public quickly and accurately in a courteous manner."
31. Springfield Police Department, Rules and Regulations, § 540.10, in effect on October 6, 2018, provided: "No member or employee shall treat another member or employee of the Department or any other person disrespectfully."
32. Springfield Police Department, Rules and Regulations, § 550.50, in effect on October 6, 2018, provided: "No member or employee shall at any time or for any reason willfully subject any other person or animal to cruel treatment or willfully neglect the necessary humane action which the circumstances may require."
33. Springfield Police Department, Rules and Regulations, § 590.10, in effect on October 6, 2018, provided: "Existence of facts establishing a violation of a law, ordinance or Department regulation is all that is necessary to support any allegation of such as a basis, for a charge under this section. Nothing prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear in the Department Manual, orders, or in laws and ordinances within the cognizance of the Department."

VCJC PRS Docket No. 2020Q9P (Category B)

1. On April 3, 2020, Springfield Police Department Officer Anthony Moriglioni clocked a female driver, Kaylee Clark, travelling 65 mph in a posted 50 mph zone on Chester Road in Springfield.
2. Officer Moriglioni performed a U-turn and attempted to catch up to Ms. Clark. During that pursuit, Officer Moriglioni reached a speed of 109 mph, yet did not activate his siren and did not have any indication of catching the vehicle.
3. Officer Moriglioni later announced to Police Dispatch that he was "shutting it down as it was just for speed."
4. After communicating with Police Dispatch that he was ending the pursuit, Officer Moriglioni stopped briefly at an intersection but then again tried to make contact with Ms. Clark, this time accelerating from 0 to 61 mph in a posted 40 mph zone, then reaching a maximum speed of 68 mph.
5. Ms. Clark had turned onto Park Street in Springfield and almost collided with a second Springfield Police Department officer (Cpl. Neily) when Ms. Clark entered Cpl. Neily's lane of travel.
6. Cpl. Neily pursued Ms. Clark, who then stopped on Main Street. Cpl. Neily was joined by Officer Moriglioni on scene shortly thereafter.
7. When Officer Moriglioni arrives on scene, the pursuit had ended in the parking lot below the Springfield Town Hall. Officer Moriglioni then exited his cruiser and approached Ms. Clark (who is seated in the driver's side of her vehicle with the door open and her legs outside the vehicle) and stated "well that was about stupid Kaylee" in an agitated tone.
8. Officer Moriglioni directed Ms. Clark to walk to him with her hands up by waiving his finger back and forth with his other arm down at his side and then placed Ms. Clark in handcuffs and put her in his cruiser after which he checked to confirm there were no other occupants in the vehicle.
9. When Officer Moriglioni returned to his cruiser and to Ms. Clark, he stated "that's getting towed" in an agitated voice and then told her "I can't believe you would operate like that unless there is something in the car you did not want us to know about cause that's fucking stupid."
10. Ms. Clark later stated that she did not want to get pulled over, to which Officer Moriglioni asked why, to which Ms. Clark responded that she did not have a license. After further discussion, Officer Moriglioni told Ms. Clark that "that's just dumb, dumb on every level, ticketable offense." Officer Moriglioni then moved his cruiser, muttering "fucking stupid."
11. Later during this incident, a female bystander approached Officer Moriglioni (while he was speaking to another in an attempt to locate Ms. Clark's boyfriend), at which point Officer Moriglioni started to disclose information to her related to the incident.
12. Officer Moriglioni told the female bystander that it "would have been a simple 65 in a 50 stop instead she took off like a bat out of hell on me. Then she almost hit Cpl. Neily on the corner of Union and Route 11, Park and Route 11 and then wouldn't stop, wouldn't stop wouldn't stop til she got here. She was worried about getting the car towed, well what did she think was going to happen."

13. Ofc. Moriglioni then stated "she is going to get a cite it is not like we are going to put her in jail, it is going to be a citation so its, its, its was just stupid, um she could have killed somebody." And Officer Moriglioni continued to talk with the female bystander about the incident, and further stated "the problem is as soon as you punch it, it's gone" and then "I actually I stopped chasing her, I said this is dumb for speed, I'm not chasing her for this much speed. I didn't know who it was at the time, I did and I didn't."
14. When the female bystander inquired about Ms. Clark's vehicle (which apparently was registered to Ms. Clark's boyfriend), Officer Moriglioni indicated that they are going to figure that out and that Ms. Clark has the authority to give consent.
15. When the female bystander expressed a hope that everything will work out, Officer Moriglioni responded "It will work out fine, I think she is going to learn that it was a stupid, stupid thing to do. Cause she could have killed herself with those speeds, one kid, somebody else, a kid jumps out, a dog jumps out and then she crashes, it would be well what a \$65,000 car?"
16. Then when another bystander asked how fast Ms. Clark was travelling, Officer Moriglioni stated "she went by me at 65 in a 50, that's it. She had to clear 85 because I was doing 80 and she was pulling away from me it was like I was standing still."
17. Officer Moriglioni's above-described conduct represented gross professional misconduct amounting to an on-duty action that involved a substantial deviation from professional conduct as defined by the Springfield Police Department's policies.
18. In particular, Officer Moriglioni's conduct amounted to violations of the following Springfield Police Department General Order, and Rules and Regulations, in effect on April 3, 2020: (1) General Order J-1 (Vehicle Pursuits and Emergency Vehicle Operations); (2) § 330.11 (Obedience of Law and Regulations); (3) § 460.50 (Conduct Toward the Public); (4) § 520.10 (Neglect of Duty); (5) § 540.10 (Disrespect); (6) § 550.61 (Confidential Information); and (7) § 590.10 (Non-Specified Prohibited Acts).
19. Springfield Police Department, General Order J-1, § V(C), in effect on April 3, 2020, provided: "Initiating the Pursuit: Officers shall only initiate a pursuit: (a) When there is reasonable suspicion that the driver of that vehicle has committed a violent felony, or (b) When there is evidence of outrageous, reckless driving (generally or possibly in association with driving under the influence) and these observations precede the officer's intervention through any pursuit mode."
20. Springfield Police Department, General Order J-1, § V(D), in effect on April 3, 2020, in part provided that an officer operating the primary pursuit vehicle must: "[a]ctivate the vehicle's emergency warning devices from the point of initiation to that of completion"; provide "[i]mmediate notification to the supervisor of the shift"; provide notification to "communications of. . . his or her unit number,. . . [t]he location,. . . direction of travel,. . . speed [and] [r]easons for pursuit" along other information; and discontinue the pursuit if "[i]mmediate approval from the on duty Supervisor is not obtained for any reason," "[t]he hazardous circumstances or environmental factors present an unreasonable risk to public safety" or "[d]irect sight of the vehicle is lost or is becoming sporadic in nature due to speed and geographical issues."
21. Springfield Police Department, General Order J-1, § V(I)(f), in effect on April 3, 2020, provided: "Any officer involved in a pursuit shall terminate the pursuit, immediately notify communications of his/her point of discontinuation and direction of travel in the opposite direction of the fleeing vehicle under any of the following conditions: . . .

Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment. Officer will announce of their direction of travel at the time of termination which will be in the opposite direction of the suspect vehicle.”

22. Springfield Police Department, Rules and Regulations, § 330.11, in effect on April 3, 2020, provided: “All personnel shall observe and obey all laws and ordinances, all rules and regulations of the Department, and all Department orders.”
23. Springfield Police Department, Rules and Regulations, § 460.50, in effect on April 3, 2020, provided: “All personnel shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language and always remain calm regardless of provocation to do otherwise. Upon request they are required to supply their names, and badge numbers, in a polite manner. They shall attend to requests from the public quickly and accurately in a courteous manner.”
24. Springfield Police Department, Rules and Regulations, § 520.10, in effect on April 3, 2020, provided: “Any member or employee who in the performance of their official duties displays reluctance to properly perform their assigned tasks or duties; or who acts in a manner tending to bring discredit upon themselves or the Department; or who fails to assume responsibility or exercise diligence and interest in the pursuit of their duties; or who performs any duties in an illegal or unlawful manner and willingly deprives, infringes upon or violates the civil or legal rights of any person, shall be deemed in neglect of duty and shall be subject to disciplinary action.”
25. Springfield Police Department, Rules and Regulations, § 540.10, in effect on April 3, 2020, provided: “No member or employee shall treat another member or employee of the Department or any other person disrespectfully.”
26. Springfield Police Department, Rules and Regulations, § 550.61, in effect on April 3, 2020, provided: “Personnel shall treat as confidential the official business of the Department. They shall not discuss or impart the same to anyone except those for whom it is intended, or as directed by their superior officer, or under due process of law. They shall not make known to any persons the contents of any directive which they may receive, unless so required by the nature of the order. Contents of any criminal records shall not be exhibited or divulged except to those persons as described in departmental orders or as provided by Statute.”
27. Springfield Police Department, Rules and Regulations, § 590.10, in effect on April 3, 2020, provided: “Existence of facts establishing a violation of a law, ordinance or Department regulation is all that is necessary to support any allegation of such as a basis, for a charge under this section. Nothing prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear in the Department Manual, orders, or in laws and ordinances within the cognizance of the Department.”

The Council shall determine whether such alleged violations set forth above re: VCJC PRS Docket Nos. 2020IFY and 2020Q9P did occur as specified herein.

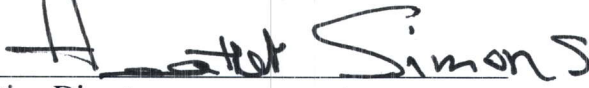
The hearing shall be conducted by the Council in accordance with the Vermont Administrative Procedure Act (3 V.S.A. §§ 809-816). Pursuant to 3 V.S.A. § 809(c), you shall have an

opportunity by yourself or through your attorney to appear at said hearing to present evidence and argument on all issues involved in this case and bring before the Council all pertinent facts that you believe will have a bearing on the issues involved in this case.

All correspondence and documents pertaining to this matter should be sent to the Vermont Criminal Justice Council, 317 Academy Road, Pittsford, Vermont, 05763, to my attention.

Dated October 5, 2022 at Pittsford, Vermont.

Vermont Criminal Justice Council


Executive Director